



## Administrative Office of the Courts

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For Immediate Release

### Judicial Nominating Commission releases names of nominees to fill 3 vacancies on Kentucky Court of Appeals

FRANKFORT, Ky., July 27, 2006 — The Judicial Nominating Commission, led by Chief Justice Joseph E. Lambert, met today at the Capitol to choose nominees to replace three vacant positions on the Kentucky Court of Appeals:

**3rd Appellate District, Division 1:** Vacated when Judge Robert W. Dyche, III retired effective June 17, 2006. Judge Dyche resides in London where he has his home chambers. He served as judge of the 27th Judicial District (Knox and Laurel counties) from 1978 until his appointment to the Court of Appeals in 1986. He graduated with a bachelor's degree from Centre College and a juris doctor from the University of Kentucky College of Law.

**4th Appellate District, Division 1:** Vacated when William E. McAnulty, Jr. was recently appointed to fill a vacancy on the Supreme Court of Kentucky. Judge McAnulty resides in Louisville where he has his home chambers. He earned a bachelor's degree from Indiana University, and a master's degree and law degree from the University of Louisville. He began serving as a Juvenile Court judge in 1975. From 1978 to 1983, he served as a District Court judge in Jefferson County and in 1983 he was elected to the circuit bench where he presided until 1990. Following a brief period in private practice, Judge McAnulty returned to the circuit bench by appointment in 1993. He joined the Court of Appeals after a special election in November 1998 to fill the unexpired term of Justice Martin E. Johnstone who was appointed to the Supreme Court; he was subsequently elected to a full term on the Court of Appeals in 1999. Judge McAnulty is a candidate for the Supreme Court in the November election.

**5th Appellate District, Division 2:** Vacated when Julia K. Tackett retired effective June 30, 2006. Judge Tackett resides in Lexington where she has her home chambers. Before her election to the court of Appeals in 1999, she served six consecutive terms as a district judge. She earned both a bachelor's degree and law degree from the University of Kentucky.

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**Nominees for the 3rd Appellate District, Division 1**

**Attorney Norma B. Adams.** Adams attended Western Kentucky University and graduated from the University of Kentucky College of Law. She retired as managing partner of the Adams and Venters law firm in Somerset in January 2006. Her practice focused on estate planning, commercial litigation, tort litigation, Workers' Compensation defense, environmental law and labor law. She resides in Somerset.

**Attorney James I. Howard.** Howard currently practices with Hensley, Ross & Howard in Horse Cave. His general practice includes personal injury litigation, criminal defense, civil litigation, probate, domestic relations, corporate law and real estate law. He holds a bachelor's degree from Asbury College and a juris doctor from Duke University. Howard resides in Edmonton.

**Judge Eddie C. Lovelace.** Judge Lovelace has served as a circuit judge for Clinton, Cumberland and Monroe counties since he was elected to the bench in 1991. Prior to assuming the judgeship, he was Albany city attorney, Clinton county attorney and commonwealth's attorney. He resides and works in Albany. He earned a bachelor's degree from the University of Kentucky and a juris doctor from the University of Louisville School of Law.

Candidate for the 3rd Appellate District, Division 1, according to the web site for the Secretary of State: Robert W. Dyche, III.

**Nominees for the 4th Appellate District, Division 1**

**Attorney Louis R. Guenthner, Jr.** Guenthner resides in Louisville. He previously had a general practice of law that included domestic, criminal, corporate and personal injury law. He specialized in appeals. He holds a bachelor's degree from Bellarmine College and a juris doctor from the University of Louisville School of Law.

**Judge Thomas B. Wine.** Judge Wine has served as a circuit judge in Jefferson County since his election in 1992. Before assuming the bench, he served in the Office of Commonwealth's Attorney and the Office of Attorney General, and was in private practice. Judge Wine earned a bachelor's degree in political science and a law degree from the University of Louisville. He resides in Louisville.

**Attorney Harold G. Wren.** Wren graduated from Columbia University and Yale Law School. Wren resides and works in Louisville where he has served as "of counsel" for James R. Voyles, Attorney at Law, since 1991. Previously, his long career in legal education included serving as professor of law and dean of the University of Louisville School of Law.

Candidates for the 4th Appellate District, Division 1, according to the web site for the Secretary of State: James Michael Green and Thomas B. Wine.

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**Nominees for the 5th Appellate District, Division 2**

**Attorney Glenn E. Acree.** Acree holds a bachelor's degree and law degree from the University of Kentucky and a master's degree from the University of Maryland. He resides in Lexington where he has a solo practice that is general in nature. He has handled litigation and appeals in the areas of criminal law, administrative law, employment discrimination, civil procedure, insurance law, environmental law and construction law.

**Attorney Bruce A. Rector.** Rector resides and works in Lexington where he currently practices law with Woodward, Hobson & Fulton, LLP. His practice includes general litigation, business, corporate and family law, probate and estate planning. He graduated with a bachelor's degree and law degree from the University of Kentucky.

**Attorney Thomas J. Smith, III.** Smith currently practices law with Commonwealth's Attorney David W. Smith in Richmond. Smith serves as a part-time assistant commonwealth's attorney and prosecutes cases involving violent offenses. He served as commonwealth's attorney for the 25th Circuit from 1980 to 2005. He graduated from Centre College with a bachelor's degree and the University Louisville School of Law with a juris doctor. He resides in Richmond.

Candidate for the 5th Appellate District, Division 2, according to the web site for the Secretary of State: Glenn Acree.

**The Appellate Districts**

These Appellate Districts are comprised of the following counties:

**3rd Appellate District:** Adair, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, Marion, McCreary, Metcalfe, Monroe, Nelson, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Whitley

**4th Appellate District:** Jefferson

**5th Appellate District:** Anderson, Bourbon, Boyle, Clark, Fayette, Franklin, Jessamine, Madison, Mercer, Scott, Woodford

**Kentucky Constitution Addresses Judicial Vacancies**

Section 118 of the Constitution of Kentucky imposes on the Governor the duty of appointing an interim judge when a judicial vacancy occurs. Section 118 also mandates that it is the responsibility of the Chief Justice to convene and preside over meetings of a Judicial Nominating Commission to select three qualified applicants from which the Governor must appoint. For circuit judges and district judges, the nominating commissions are local and the members selected from within the judicial circuit or district. A statewide nominating commission is convened to fill vacancies on the Court of Appeals or the Supreme Court.

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### **Judicial Nominating Commission Process**

When a judicial vacancy occurs, the executive secretary of the Judicial Nominating Commission sends a notice of vacancy to all attorneys in the judicial circuit or the judicial district affected. Attorneys can recommend someone or nominate themselves. Once that occurs, the individuals interested in the position return a questionnaire to the Office of Chief Justice. The Chief Justice then meets with the Judicial Nominating Commission to choose three nominees. The names of the applicants are not released. However, once the Judicial Nominating Commission has determined the names of the three finalists to be sent to the governor for selection, the Judicial Branch makes the names available to the public and the media. The credentials of these three nominees are sent to Gov. Ernie Fletcher for review. When the governor appoints the replacement, his office makes the announcement.

The appointees will serve until the candidates for these positions who win in the November general election take office Jan. 1, 2007.

### **Kentucky Court of Appeals**

The Kentucky Court of Appeals, along with the Supreme Court of Kentucky, was formed after the 1975 enactment of the Judicial Article that created Kentucky's unified court system. Fourteen judges, two elected from each of the seven appellate districts, serve for eight-year terms. With a few exceptions, most cases appealed from Circuit Court go to the Court of Appeals. The case is reviewed, not retried, at the appeals level, with attorneys presenting the legal issues to the court for a decision. Court of Appeals judges are divided into panels of three to review and decide cases, with the majority deciding the outcome. The panels do not sit permanently in one location, but move about the state to hear appeals. When the Court of Appeals publishes its rulings on cases, those rulings become the governing case law for all similar cases in the trial courts of Kentucky.

The Administrative Office of the Courts is the operational arm of the Kentucky Court of Justice and supports the activities of more than 3,500 court system employees, including the elected offices of justices, judges and circuit court clerks. The AOC provides training and education to the state's judges.

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